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# COMMONWEALTH OF VIRGINIA



## OFFICE OF THE GOVERNOR

### Executive Order 62

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#### **DECLARATION OF A STATE OF EMERGENCY IN THE COMMONWEALTH OF VIRGINIA TO EXPAND HOURS FOR UTILITY SERVICE RESTORATION WORKERS**

The health and general welfare of the citizens of the Commonwealth require that state action be taken to alleviate federal limitations recently placed on the hours of service of employees who restore power or telephone outages or deliver home heating fuels. New rules of the U. S. Department of Transportation (49 CFR 395) that became effective January 4, 2004 limit the ability of utilities, including but not limited to power and telephone providers, and carriers transporting home heating fuels (including kerosene, propane, and other petroleum fuels) to respond to emergencies and urgent needs caused by severe weather or other emergency conditions. Although federal action could remedy this condition, such action is not imminent. The extremely cold temperatures Virginia is currently experiencing threaten the safety of our citizens and heighten the urgency of this action. I find that the regulatory limitations on drivers to respond to the needs for immediate or prolonged power and telephone restoration and home heating re-supply activities constitutes a natural disaster wherein human life and public and private property are imperiled, as described in §44-75.1.A.4 of the *Code of Virginia*.

Therefore, by virtue of the authority vested in me by §44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued January 16, 2004, wherein I proclaimed that a state of emergency exists throughout the Commonwealth and directed that appropriate assistance be rendered by agencies of both state and local governments to prevent and alleviate power, telephone and heating emergencies.

In order to marshal all public resources to meet this threat and prevent its effects, and in accordance with my authority contained in §44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

- A. The authorization of the Departments of State Police, Transportation and Motor Vehicles to exempt certain carriers from limitations of the “hours of service” rules set out in federal regulations. This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purposes of restoring power or telephone service or delivering home heating fuels, pursuant to §52-8.4 of the *Code of Virginia*.
- B. These exemptions to the hours worked by carriers shall be retroactive to January 4, 2004 and remain in effect through February 15, 2004 or whenever the crisis has abated, whichever is sooner.

This Executive Order shall remain in full force and effect until February 15, 2004, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 16<sup>th</sup> day of January 2004.

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Governor

Attest:

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Secretary of the Commonwealth